

Exhibit 19

Exhibit 19

MORRISON | FOERSTER

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CALIFORNIA 94105-2482

TELEPHONE: 415.268.7000
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MORRISON & FOERSTER LLP
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BEIJING, SHANGHAI, HONG KONG

December 20, 2011

Writer's Direct Contact
415.268.6709
JMalinsky@mofo.com

By Email and Mail

Jill A. Eggleston
Director, FOIA Operations
U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P. O. Box 648010
Lee's Summit, MO 64064-8010

Re: Freedom of Information Act Request COW2011000600

Dear Ms. Eggleston:

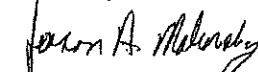
On October 31 and November 22, 2011, I requested a tentative release date for documents and information requested pursuant to FOIA on September 29, 2011. The September, October, and November letters are attached as Exhibit 1.

As of the date of this letter, you have failed to provide a tentative release date for the requested information in violation of 5 U.S.C. § 552(a)(7)(B)(ii).

You have also failed to provide a tentative release date for my other outstanding FOIA request made on November 16, 2011 that has since been consolidated with FOIA Request number COW2011000600. A tentative release date was again requested on December 5, 2012. The email correspondence with this request is attached as Exhibit 2.

Please immediately provide the tentative release dates for all of the requested information, as required by 5 U.S.C. § 552(a)(7)(B)(ii).

Sincerely,



Jason A. Malinsky
Attorney for the Iraqi Refugee Assistance Project

Enclosures

sf-3085487

Exhibit 1

Exhibit 1

MORRISON | FOERSTER

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November 22, 2011

Writer's Direct Contact
415.268.6709
JMalinsky@mofocom

By Email and Mail

Jill A. Eggleston
Director, FOIA Operations
U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P.O. Box 648010
Lee's Summit, MO 64064-8010

Re: Freedom on Information Act Request

Dear Ms. Eggleston:

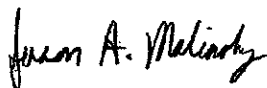
On September 29, 2011, I emailed and mailed the enclosed letter requesting information pursuant to the federal Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, on behalf of my client, the Iraqi Refugee Assistance Project. I sent the enclosed follow up letter on October 31, 2011.

As of today, I have not received any response to my request. Your failure to respond violates FOIA's requirement that you respond to my request within 20 business days. 5 U.S.C. § 552(a)(6)(A). Please respond to my request immediately.

Please also provide a tentative release date for the requested information, as required by 5 U.S.C. § 552(a)(7)(B)(ii).

Please contact me as soon as possible to discuss the enclosed FOIA request.

Sincerely,



Jason A. Malinsky
Attorney for the Iraqi Refugee Assistance Project

Enclosures

sf-3074719

MORRISON | FOERSTER

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October 31, 2011

Writer's Direct Contact
415.268.6709
JMalinsky@mofa.com

By Email and Mail

Jill A. Eggleston
Director, FOIA Operations
U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P.O. Box 648010
Lee's Summit, MO 64064-8010

Re: Freedom on Information Act Request

Dear Ms. Eggleston:

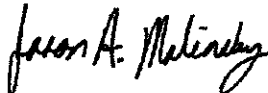
On September 29, 2011, I emailed and mailed the enclosed letter requesting information pursuant to the federal Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, on behalf of my client, the Iraqi Refugee Assistance Project.

As of today, I have not received any response to my request. The State Department's failure to respond violates FOIA's requirement that you respond to my request within 20 business days. 5 U.S.C. § 552(a)(6)(A). Please respond to my request immediately.

Please also provide a tentative release date for the requested information, as required by 5 U.S.C. § 552(a)(7)(B)(ii).

Please contact me as soon as possible to discuss the enclosed FOIA request.

Sincerely,



Jason A. Malinsky
Attorney for the Iraqi Refugee Assistance Project

Enclosure

sf-3065029

MORRISON | FOERSTER

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September 29, 2011

Writer's Direct Contact
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By Email and Mail

Jill A. Eggleston
Director, FOIA Operations
U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P. O. Box 648010
Lee's Summit, MO 64064-8010

Re: Freedom of Information Act Request

Dear Ms. Eggleston:

This letter constitutes a request made pursuant to the Freedom of Information Act, 5 U.S.C. § 552, on behalf of the Iraqi Refugee Assistance Project ("IRAP").¹

I. Records Requested

We request the following documents and information that are believed to be contained in the Worldwide Refugee Admissions Processing System ("WRAPS") file²:

- 1.) The approval and denial rates broken down by circuit ride, as well as individual circuit rider, from January 1, 2001 to present day;

¹ IRAP, a public interest organization that provides individual legal representation for refugees, fact finding and policy advocacy, and overseas clinical legal education supporting refugee rights, has no commercial interest in the requested information. The information will serve the public interest by shedding light on the U.S. government's refugee system — information that will be widely disseminated upon disclosure via IRAP's website and its network of more than 300 law students, lawyers, scholars, as well as major media outlets (several of whom have already indicated an interest in the material at issue).

² Although the WRAPS file is maintained by the United States Department of State, USCIS has represented to IRAP that they provide the State Department with the raw data for the WRAPS file and regularly access the data. In light of USCIS's custody and control of the requested data, a response directing IRAP to seek this data from the State Department would be improper.

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Jill A. Eggleston
September 29, 2011
Page Two

- 2.) The approval and denial rates of requests for rehearings ("RFRs"), broken down by circuit ride as well as individual circuit rider, from January 1, 2001 to present day;
- 3.) The data for the above broken down by nationality, region and location;
- 4.) The reasons provided for rejections of refugee applicants by Circuit Riders from January 1, 2001 to present day.

I would like to receive the requested information in electronic format.

Please waive any applicable fees. As explained in greater detail in Part II below, release of the information is in the public interest.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires.

II. Fee Waiver

A waiver of any applicable fees is appropriate here because disclosure of the requested records "is likely to contribute significantly to the public understanding of the activities or operations of the government" and we have no commercial interest in the records sought. 5 U.S.C § 552(a)(4)(A)(iii); *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003).

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Jill A. Eggleston
September 29, 2011
Page Three

A. The requested information will reach a reasonably broad audience interested in refugee issues.

In determining whether the request satisfies FOIA's fee waiver standard, the relevant inquiry regarding circulation of the information is "whether the requester will disseminate the disclosed records to a reasonably broad audience of persons interested in the subject." *Carney v. United States Dep't of Justice*, 19 F.3d 807, 815 (2d Cir. 1994). The requested "[i]nformation need not actually reach a broad cross-section of the public in order to benefit the public at large." *Id.* IRAP's presence at 18 major educational institutions across the country and in the Middle East, its relationships with the United Nations, non-government organizations, and law firms, as well as its established reputation as a credible source for major media outlets, all ensure that the requested information will be disseminated to a "reasonably broad audience of persons" interested in refugee issues.³ Thus, IRAP's fee waiver request satisfies FOIA's dissemination requirement.

B. Disclosure of the requested information will contribute significantly to public understanding of the operations or activities of government on refugee issues.

The public is always well-served when it knows how government activities have been conducted. In 2009, over 60,000 refugees resettled in the United States and as many as 80,000 may be admitted in 2011.⁴ IRAP has worked with over 1,000 individuals on their refugee cases. The information requested will help educate current and future refugee applicants who require IRAP's assistance precisely because they do not understand the refugee system.

The requested information will also contribute to scholarly work and educate students, advocates, and journalists with an interest in refugee issues. IRAP and its partners could, for example, utilize the information to complete an in-depth analysis of U.S. Government's

³ With chapters at 18 law schools, over 300 participating law students and supervising attorneys from top U.S. law firms, and referrals from 22 organizations in the Middle East, including the United Nations High Commissioner for Refugees, IRAP is recognized as a potent force in the field of refugee law. See IRAP's website for a full list of law school chapters and law firms that offer pro bono assistance: <http://iraqirefugee.us/lang/en-us/our-work/>. News organizations such as the New York Times, Miami Herald, Philadelphia Inquirer, New Yorker, National Public Radio, the Associated Press, and Reuters, among others, have turned to IRAP as source of information on refugee issues. For a complete list of press coverage, please visit: <http://iraqirefugee.us/lang/en-us/our-work/press/>.

⁴ Source: Immigration Policy Center, *Refugees: A Fact Sheet*, available at: <http://www.immigrationpolicy.org/just-facts/refugees-fact-sheet> (site last visited on August 25, 2011).

MORRISON | FOERSTER

Jill A. Eggleston
September 29, 2011
Page Four

refugee program similar to what the Georgetown University Human Rights Institute accomplished with its work on asylum issues.⁵ Unlike the Georgetown project, which built upon existing public information, the requested information does not exist in the public sphere. Disclosure of the requested information would thus allow the public to gain a fresh perspective on the workings of a government agency that plays a major role in determining whether tens of thousands of refugee applications are granted or denied every year.

In light of the array of public educational opportunities described above, disclosure of the requested information will significantly contribute to public understanding of refugee issues.

C. IRAP has no commercial interest in the requested records.

Congress amended FOIA in 1986 and clarified that the fee waiver provision of the statute "is to be liberally construed in favor of waivers for noncommercial requesters." *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (quoting *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987) (quoting 132 Cong. Rec. 27, 190 (1986) (Sen. Leahy))). IRAP has no commercial interest in the requested records. The organization depends on law student volunteers, grants and donations, and pro bono legal counsel. Thus, consistent with Congressional intent, USCIS should now grant IRAP's fee waiver request.

Sincerely,


Jason A. Malinsky

⁵ A publicly available website, as well as a report and published book, entitled "Refugee Roulette" gathers a broad swath of asylum data gathered by the Human Rights Institute. In addition to providing access to the raw data, the website provides research tools, scholarly articles, educational resources, and examples of how the mainstream media has utilized the Institute's work. <http://www.law.georgetown.edu/humanrightsinstitute/refugeeroulette.htm>. Refugee Roulette provides a model which IRAP intends to duplicate in the context of refugee issues and make publicly available on its website: <http://iraqirefugee.us/>.

Exhibit 2

Exhibit 2

From: Malinsky, Jason
Sent: Monday, December 05, 2011 9:23 AM
To: 'Viker, Elliot'
Cc: 'Becca Heller'; Oliver, L. Scott
Subject: RE: Freedom on Information Act Request No. COW2011000600

Eliot,

Following up on the below request. Please provide us with a tentative release date.

Jason

Jason A. Malinsky
Morrison & Foerster LLP
425 Market Street | San Francisco, California 94105
415.268.6709 | JMalinsky@mofo.com

From: Malinsky, Jason
Sent: Wednesday, November 16, 2011 10:50 AM
To: 'Viker, Elliot'
Cc: 'Becca Heller'; Oliver, L. Scott
Subject: Freedom on Information Act Request No. COW2011000600

Eliot,

As I mentioned on our call this morning, we request the following list of documents based upon the sample documents your office provided on October 20, 2011:

1) All statistics on I-590 RFRs broken down by office (rather than aggregated at the district office level), including, but not limited to:

- processing time,
- grant v. denial,
- numbers pending and completed, and
- RFRs "not ready" broken down by time and reason;

2) All statistics on I-602 applications, broken down by office, rather than aggregated at the district office level;

3) Adjudication data covering range of application types (see pp. 26-29 of sample document production);

4) All statistics on the number of refugee cases pending and adjudicated per month and per year; outcomes (number accepted & denied); and time spent on each case; and

5) Statistics on circuit rides, including: number of refugees interviewed and outcomes (number accepted & denied), by circuit ride, circuit ride leader, and individual officer.

Time period for statistics: All data from January 1, 2001 to present day. Please provide monthly and yearly data.

Scope: All offices worldwide.

Please provide these documents in electronic format on a rolling basis as they become available. Please also provide me with tentative release dates for the requested documents.

All of these documents should be provided free of charge pursuant to your agency's granting of our fee waiver on September 29, 2011 (attached).

To the extent that USCIS finds any redactions are necessary, I ask that you justify each deletion by reference to specific exemptions under FOIA. I expect USCIS to release all segregable portions of otherwise exempt material. I reserve the right to appeal your decision to withhold any information.

Lastly, please note that this letter does not constitute the entirety of my request. Despite statements from USCIS representatives that sample documents pertaining to my request would be provided to the FOIA office for review and release within one week of our August 12 conference call, more than 3 months have passed and I still have not received many of these samples. I look forward to receiving the remaining sample documents shortly.

Please contact me if you have any questions regarding this request.

Jason Malinsky
Attorney for the Iraqi Refugee Assistance Project

<< File: 2011 09 29 US Dept of Homeland Security Ltr.pdf >>

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